

THE OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODECHAPTER 820-2-7
PROCEDURES AND REQUIREMENTS FOR SUBMISSION
OF NOTICES FOR POSTING BY SECRETARY OF STATE

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820-2-7-.01 Applicability Of Alabama Act Number 2005-40, "Alabama Open Meetings Act". This administrative regulation is to comply with the requirements of Alabama Act Number 2005-40, the Alabama Open Meetings Act, which repeals Section 13A-14-2, Code of Ala. 1975, the Alabama Sunshine Law, and requires the Office of the Secretary of State to post notice of meetings held

by governmental bodies with statewide jurisdiction and governmental bodies with less than statewide jurisdiction that elect to post notice through the Office of the Secretary of State. The Alabama Open Meetings Act also requires the issuance of direct notice of meetings by electronic mail to persons and agencies registered with the Office of the Secretary of State and the provision of a computer terminal that is accessible to the general public during regular business hours for the viewing of notices on the Internet website for the Office of the Secretary of State. Copies of the Alabama Open Meetings Act may be obtained on the website www.sos.state.al.us/, without charge, or from the Secretary of State's Office, State Capitol, Room S-105, Montgomery, Alabama 36130.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.02 Definitions.

(1) For the purposes of this chapter, "governmental body" shall mean all boards, bodies and commissions of the executive and legislative departments of the state or its political subdivisions or municipalities that expend or appropriate public funds; all multimember governing bodies of departments, agencies, institutions, and instrumentalities of the executive and legislative departments of the state or its political subdivisions or municipalities, including, without limitation, all corporations and other instrumentalities whose governing boards are comprised of a majority of members who are appointed or elected by the state or its political subdivisions, counties or municipalities; and all quasi-judicial bodies of the executive and legislative departments of the state and all standing, special or advisory committees or subcommittees of, or appointed by, the body. The term "governmental body" does not include any of the following:

(a) Legislative party caucuses or coalitions;

(b) Alabama appellate or trial courts, except as required by the Constitution of this state or any body governed by rules of the Alabama Supreme Court; and

(c) Voluntary membership associations comprised of public employees, counties, municipalities, or their instrumentalities that have not been delegated any legislative or executive functions by the Legislature or Governor.

(2) For the purposes of this chapter, "meeting" shall mean (1) the prearranged gathering of a quorum of a governmental body, a quorum of a committee or a quorum of a subcommittee of a governmental body at a time and place which is set by law or operation of law; (2) the prearranged gathering of a quorum of a governmental body, a quorum of a committee or a quorum of a subcommittee of a governmental body at a time and place during which the body is authorized, by law or otherwise to exercise the powers which it possesses to approve the expenditure of public funds; or (3) the gathering, whether or not prearranged, of a quorum of a governmental body, quorum of a committee or a quorum of a subcommittee of a governmental body during which the members of the governmental body deliberate specific matters that, at the time of the exchange, the participating members expect to come before the body, committee, or subcommittee at a later date.

(3) For the purposes of this chapter, "quorum" shall mean, unless otherwise provided by law, a majority of the voting members of a governmental body.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.03 Mandatory Registration Of Governmental Bodies With Statewide Jurisdiction.

All governmental bodies with statewide jurisdiction shall register with the Office of the Secretary of State on or before September 15, 2005. Registration information shall include the name of the governmental body, a mailing address, a list of contact persons who shall have the authority to submit notice of meetings and receive confirmations of receipts, an electronic mailing address, and a telephone number. Upon proper registration, a governmental body with statewide jurisdiction shall receive a letter of confirmation from the Office of the Secretary of State that will assign a user name and password that will enable the governmental body to access the Internet website and submit notice information.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.04 Elective Registration Of Governmental Bodies With Less Than Statewide Jurisdiction.

Governmental bodies with less than statewide jurisdiction that elect to post notice of meetings through the Office of the Secretary of State shall first register with the Office of the Secretary of State. Registration information shall include the name of the governmental body, a mailing address, a list of contact persons who shall have the authority to submit notice of meetings and receive confirmations of receipts, an electronic mailing address, and telephone number. Upon proper registration, a governmental body with less than statewide jurisdiction shall receive a letter of confirmation from the Office of the Secretary of State that will assign a user name and password that will enable the governmental body to access the Internet website and submit notice information.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.05 Method For Submission Of Notice. To submit notice, the governmental body shall log on the Internet website provided by the Office of the Secretary of State and complete the form that requests specific notice information.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.06 Proper Notice Requirements. Notices posted by the Secretary of State shall include the following information: (1) date of the meeting; (2) time of meeting; (3) location of the meeting; (4) name of governmental body that will conduct the

meeting; (5) if available, preliminary agenda or if preliminary agenda is not available, a brief description of the meeting's purpose; (6) date and time of submission of notice to the Office of the Secretary of State by the posting agency; and (7) date and time of the posting of notice by the Office of the Secretary of State.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.07 Notices Posted For Seven Days Prior To Meeting.

Any governmental body that posts notice through the Office of the Secretary of State shall submit notice within a sufficient time for the Office of the Secretary of State to receive the notice of a meeting, process the notice information, issue a confirmation of receipt to the governmental body, and post the notice on the Internet website for the Office of the Secretary of State for at least seven calendar days prior to the day of the meeting.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.08 Notices For Special And Emergency Meetings. Any governmental body that posts notice through the Office of the Secretary of State shall submit notice of a meeting, as defined in Section 2(6) a.2 and 3 of the Alabama Act Number 2005-40, the "Alabama Open Meetings Act," as well as meetings called pursuant to the Code of Ala. 1975, Section 11-43-50, to the Office of the Secretary of State as soon as practicable after the meeting is called and in no event less than 24 hours before the meeting is scheduled to begin, unless such notice is prevented by emergency circumstances that require immediate action or unless the notice relates to a meeting to be held solely to accept the resignation of a public official or employee. In such situations, notice shall be given as soon as practical, but in no case less than one hour before the meeting is to begin. Special notice to any person who has registered to receive direct notice shall be

given at the same time general notice of a special or emergency meeting is issued.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.09 Submission Of Notices. Notices may be submitted on the Internet website for the Office of the Secretary of State at anytime, daily, except between the hour of 5:00 p.m. and 6:00 p.m., when the website shall undergo maintenance and technical support.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.10 Notices Of Recurring Meetings. Any governmental body that posts notice through the Office of the Secretary of State may post notice of all recurring meetings as soon as practical after the meetings have been set and scheduled

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.11 Confirmation Of Receipt By The Office Of The Secretary Of State Of Alabama. The submission of notice shall not be complete until the governmental body that submits the notice receives a confirmation of receipt from the Office of the Secretary of State by electronic mail. Upon the issuance of the confirmation of receipt, the Secretary of State shall post the notice on the Internet website for the Office of the Secretary of State.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.12 Record Of Posting. Any governmental body that posts notice through the Office of the Secretary of State shall be responsible for the retention of a record of the confirmation forms, which shall be provided as a courtesy by the Office of the Secretary of State by electronic mail and issued at the time notice is posted.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.13 Accuracy Of Posted Materials. The Office of the Secretary of State shall not be responsible for the content of any notice that is posted on the Internet website or any direct notice. The Office of the Secretary of State shall make no representation as to the accuracy of any notice that is posted on the Internet website or any direct notice.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.14 Registration For Direct Notice. Any person or agency that elects to receive direct notice of meetings posted by the Office of the Secretary of State shall first register with the Office of Secretary of State. Registration shall occur at the Internet website provided by the Office of Secretary of State and registration information shall include the name of the person or agency that shall receive direct notice, a physical address, an electronic mailing address, and a telephone number.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.15 Cancellation Of Registration For Direct Notice.

Direct notice to persons or agencies registered with the Office of the Secretary of State shall be issued by electronic mail and delivered to the electronic mail address provided at the time of registration. In the event the Office of the Secretary of State receives three consecutive returned electronic mailings from a person or agency, within a ninety (90) day period, the registration shall be deleted and that person or agency shall complete a new registration in order to receive direct notification again.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.16 Public Access To Computer Terminal. The Office of Secretary of State shall provide a computer terminal that the general public may use to view notices of meetings posted on the Internet website for the Office of the Secretary of State. This computer terminal shall be located in Room E-204 on the second floor of the Alabama State Capitol, 600 Dexter Avenue, Montgomery, AL 36130. The computer terminal shall be made available to the general public during the office hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, with the exception of state holidays. Any person who uses the computer terminal shall provide the Office of the Secretary of State with the his/her name, physical address, the date and time of use of the computer terminal, and the purpose of the person's use of the computer terminal. This information shall be submitted on the "Log In" form that will be placed at the desk where the computer terminal is located.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.17 Denied Access To Computer Terminal. Any person who is denied access to the computer terminal shall submit a written complaint to the Office of the Secretary of State within

thirty (30) days of the date of denial of access. The Office of the Secretary of State shall respond to the complaint in a written and final decision that shall grant access to the computer terminal or state the basis for denial of access. The response from the Office of the Secretary of State shall be issued within sixty (60) days of the receipt of the complaint.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.18 Disclaimer. Compliance with the notice requirements set forth in the Alabama Open Meetings Act is the responsibility of the governmental body. The notices posted by the Office of the Secretary of State and the direct notices electronically mailed to registered persons and agencies shall appear in the exact form of submission to the Secretary of State by the governmental body. The Office of the Secretary of State shall be indemnified and held harmless from any liability for failure of notice due to typographical error or the failure by a governmental body to post notice in a timely manner. The Office of the Secretary of State is not responsible for the failure of notice due to computer malfunction or the unavailability of the server that hosts the Internet website for the Office of the Secretary of State. The Office of the Secretary of State shall be indemnified and held harmless from any liability for failure of notice due to computer malfunction or the unavailability of the server that hosts the Internet website for the Office of the Secretary of State.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.

820-2-7-.19 Addition To Or Deletion Of Registration

Information. Any governmental body that posts notice through the Office of the Secretary of State shall submit new information of an addition to or deletion to the lists of persons that shall be authorized to submit notice information or a change of address, telephone number, or electronic mailing address to the Office of Secretary of State, in writing. A

registration information change form may be obtained without charge from the Secretary of State's Office, State Capitol, Room S-105, Montgomery, Alabama 36130.

Author: Hope M. Ayers

Statutory Authority: Alabama Act Number 2005-40, "Alabama Open Meetings Act".

History: New Rule: Filed August 8, 2005; effective September 12, 2005.